



DEPARTMENT OF LAW
CITY OF CHICAGO

August 17, 2018

Louis A. Klapp
louis.klapp@quarles.com

Re: **American Civil Liberties Union of Illinois, 18 CH 07758**

Dear Mr. Klapp:

In an attempt to resolve matters in connection with the above-identified lawsuit, the City is providing you with records in response to the Freedom of Information Act ("FOIA") request you submitted. In your request dated January 2, 2018, you sought the following records:

The ACLU of Illinois requests the following records:

1. *All contracts related to the purchase, acquisition, installation, maintenance, or use of social media monitoring software.*
2. *All invoices related to social media monitoring software.*
3. *All manuals, guides, training materials, or other instructional records related to social media monitoring software.*
4. *All policies governing access, use, or training related to social media monitoring software.*
5. *All directives governing access, use, or training related to social media monitoring software.*
6. *All Open Source receipts (or other reports of usage) related to the use of social media monitoring software by the CPD Crime Prevention and Information Center since October 2, 2017.*

In response to item 1, please find attached responsive contracts.

In response to item 2, CPD has attached responsive invoices. Signatures were redacted pursuant to Section 7(1)(b) of FOIA. Section 7(1)(b) exempts from disclosure, "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." 5 ILCS 140/7(1)(b). "Private information" is defined in section 2(c-5) as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email

addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.” 5 ILCS 140/2(c-5). Therefore, signatures were properly redacted.

CPD also made redactions to a specialized investigative tool. Section 7(1)(d)(v) exempts records that would, “[d]isclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request.” Release of that redaction would reveal a unique and specialized technique/tool used by CPD, where disclosure would render it ineffective and harm CPD’s ability to use an effective crime fighting tool and therefore is exempt pursuant to Section 7(1)(d)(v).

Moreover, this technique/ tool/ measure is exempt pursuant to Section 7(1)(v). 5 ILCS 140/7(1)(v) provides that “[v]ulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community’s population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.” Release of that redaction would reveal a unique and specialized technique/tool/measure used by CPD, where disclosure of the technique/ tool/ measure would render it ineffective and therefore is exempt pursuant to Section 7(1)(v).

In response to item 3, CPD asked individuals in its Crime Prevention Information Center (CPIC) whether they had guides or training materials related to social media monitoring software. While they did receive training, individuals in CPIC did not locate any records responsive to this portion of the request.

In response to item 4 and item 5, please find enclosed responsive policies and directives.

In response to item 6, CPD has provided responsive Open Source records. Please be advised that names, IR numbers, instagram addresses, icons, screennames, photos, twitter names and account information, snapchat information, school information, employment information, and facebook numbers and usernames, and other identifying information of individuals found in these reports were redacted pursuant to Section 7(1)(c) of FOIA. Section 7(1)(c) exempts, “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c) Because the redacted information is personal information and individuals would find it objectionable for the public to know that the CPD was reviewing their social media accounts, release would be an invasion of personal privacy. Therefore, CPD properly redacted this information pursuant to Section 7(1)(c).

If you have any remaining concerns about your FOIA request, please contact me.

Please let me know if we can resolve this matter and discuss settlement.

Sincerely,

Tia Mathew
Assistant Corporation Counsel
312-744-1052